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IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

**NETCHOICE,**

Plaintiff,

**v.**

**ROB BONTA, in his official capacity as  
 Attorney General of California,**

Defendant.

No. 5:24-cv-07885-EJD

**STIPULATION TO FURTHER MODIFY  
 SCHEDULING ORDER;  
 PROPOSED ORDER**

Dept: 4 (Fifth Floor)  
 Judge: The Honorable Edward J. Davila  
 Trial Date: None set.  
 Action Filed: November 12, 2024

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8 *Attorneys for Defendant Rob Bonta, in his official capacity as Attorney General of California*  
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Pursuant to Federal Rule of Civil Procedure 16(b)(4) and Local Rules 6-2 and 7-12, Plaintiff NetChoice and Defendant Rob Bonta, in his official capacity as Attorney General of California (together, “the Parties”), hereby stipulate to further modify the Scheduling Order, ECF 71. The Parties stipulate to (1) set January 23, 2026, as NetChoice’s deadline to file an amended complaint, should it choose to do so, and extend Defendants’ responsive-pleading deadline to 21 days after NetChoice either files an amended complaint or declines to file an amended complaint by January 23, 2026; and (2) extend the Parties’ deadline to submit a joint statement with the Parties’ proposal for second-phase discovery to January 23, 2026—which is the date that this Court set for the parties to submit a joint status report before the Court’s February 12, 2026, status conference, ECF 84-85.

This Court previously ordered the following modifications in this case:

- On November 15, 2024, the Court granted as modified the Parties’ stipulation to set a briefing schedule and hearing on NetChoice’s motion for preliminary injunction, ECF 15;
- On January 9, 2025, the Court granted as modified the Parties’ stipulation to continue the status conference, ECF 54;
- On March 13, 2025, the Court granted in part and denied in part NetChoice’s motion to stay proceedings pending appeal, ECF 65;
- On April 9, 2025, the Court entered a Scheduling Order Re First-Phase Discovery, ECF 71.
- On April 28, 2025, the Court granted the Parties’ stipulation to modify the Court’s scheduling order to move all expert discovery to the second phase of discovery. ECF 73.
- On September 25, 2025, the Court granted the Parties’ stipulation to further modify the Court’s scheduling order, providing that the deadline for the Parties’ joint statement with their proposal for second-phase discovery should be extended to 21 days after the Ninth Circuit decides NetChoice’s petition for panel rehearing and rehearing en banc.

The Parties stipulate that good cause exists for the following reasons:

WHEREAS, the Court has ordered that discovery “may proceed on a limited basis” while NetChoice’s appeal is pending at the Ninth Circuit, ECF 65;

1 WHEREAS, in response to the Court's order of March 31, 2025, ECF 69, the Parties  
2 jointly stated that, 21 days after the Ninth Circuit's merits decision on NetChoice's pending  
3 appeal, the Parties would file a statement in this Court with their proposal for whether and when  
4 to begin the second phase of discovery, ECF 70;

5 WHEREAS, on April 9, 2025, the Court entered the Scheduling Order Re First-Phase  
6 Discovery. ECF 71. The Court ordered that "[w]ithin 21 days of a decision in the pending appeal,  
7 the Parties shall file a joint statement with a proposal for second-phase discovery," *id.*;

8 WHEREAS, on April 28, 2025, the Court granted the Parties' stipulation to delay all  
9 expert discovery to phase two and modified the scheduling order accordingly, ECF 73;

10 WHEREAS, on September 9, 2025, the Ninth Circuit issued its merits decision in  
11 NetChoice's appeal, ECF 74;

12 WHEREAS, on September 23, 2025, NetChoice petitioned for panel rehearing and  
13 rehearing en banc of the Ninth Circuit's decision, *see NetChoice v. Bonta*, No. 25-146 at ECF 71  
14 (9th Cir. Sept. 23, 2025) (Pet. for Rehearing);

15 WHEREAS, on November 6, 2025, the Ninth Circuit denied NetChoice's petition for  
16 panel rehearing and rehearing en banc, *see NetChoice v. Bonta*, No. 25-146 at ECF 75 (9th Cir.  
17 Nov. 6, 2025);

18 WHEREAS, on November 14, 2025, this Court granted orders relating this case to three  
19 other cases filed by companies bringing similar challenges to the same California law, ECF 83;  
20 and

21 WHEREAS, absent extension, Defendant's responsive-pleading and the Parties' joint  
22 statement regarding second-phase discovery would be due November 28, 2025.

23 IT IS HEREBY STIPULATED AND AGREED, by and among the Parties, that this Court  
24 (1) set January 23, 2026, as NetChoice's deadline to file an amended complaint, should it choose  
25 to do so, and extend Defendants' responsive-pleading deadline to 21 days after NetChoice either  
26 files an amended complaint or declines to file an amended complaint by January 23, 2026; and  
27 (2) extend the Parties' deadline to submit a joint statement with the Parties' proposal for second-  
28 phase discovery to January 23, 2026.

1 Dated: November 25, 2025

2  
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24 Dated: November 25, 2025

25 ROB BONTA  
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27 LARA HADDAD  
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/s/ Christopher J. Kissel  
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Deputy Attorney General  
*Attorneys for Defendant Rob Bonta, in his official  
capacity as Attorney General of California*

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

29 Dated:

HON. EDWARD J. DAVILA  
UNITED STATES DISTRICT JUDGE